

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 337 of 2019

Chingtham Kunjabihari Singh

... Petitioner

Vs.

Union of India & ors.

... Respondents

**B E F O R E
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH**

13-02-2024

[1] Heard Mr. H.S. Paonam, learned senior counsel assisted by Mr. S. Gunabanta, learned counsel appearing for the petitioner; Mr. Kh. Samarjit, learned DSGI assisted by Mr. N. Nongdamba, learned counsel appearing for the respondents No. 1 and 2 and Mr. S. Suresh, learned counsel appearing for the respondent No. 4. None appeared for the respondent No. 3.

[2] The present writ petition had been filed with the prayer for directing the respondents to release the entitled pro-rata monthly pension of the petitioner for rendering service as Stenographer Grade-I in the erstwhile SISI, Manipur Branch for the period of eight years w.e.f. 23-02-1972 to 19-01-1980.

[3] At the outset, Mr. H.S. Paonam, learned senior counsel appearing for the petitioner draw the attention of this court to the pleadings made by the respondents No. 1 and 2 at para 12 of their affidavit-in-opposition dated 17-03-2022 wherein it is stated as under:-

"12. That in reference to Para No. 10 of the Writ Petition, the answering respondents begs to submit that the Order dated 15.01.2014 of the Hon'ble High Court for release of Pro-rata pension in respect of another person shall not be applicable in case of the writ petitioner as he failed to render qualified service for a period of 10(ten) years to receive pension benefit. However, the petitioner served the Small Industries Service Institute (SISI) for a period of 8 (eight) years only which, at the most, according to the rules will qualify him to claim for Service Gratuity."

[4] It has been submitted by the learned senior counsel that the present writ petition can be disposed of by directing the respondents No. 1 and 2 to consider the case of the petitioner for granting Service Gratuity in terms of the said averments made by the respondents No. 1 and 2 at para 12 of their affidavit-in-opposition.

[5] Mr. Kh. Samarjit, learned DSGI appearing for the respondents No. 1 and 2 fairly submitted that the present writ petition can be disposed of as prayed for by the learned senior counsel appearing for the petitioner with the condition that the case of the petitioner be considered for grant of Service Gratuity in terms of the averments made by the respondents No. 1 and 2 in their affidavit-in-opposition, if the petitioner has not already been granted such benefit.

[6] Taking into consideration the submissions advanced by the learned counsel appearing for the parties, the present writ petition is hereby disposed of by directing the respondent No. 2 to consider the case of the petitioner for grant of Service Gratuity in terms of the averments made in para 12 of their affidavit-in-opposition within a period of three months from the date of receipt of a certified copy of this order, if such benefit has not already been granted to the petitioner by the respondents.

With the aforesaid direction, the present writ petition is disposed of.

JUDGE

Devananda